PUBLIC PROSECUTOR

v.

MOHD. ALI KIPLI

HIGH COURT, BRUNEI
POWER J
[CRIMINAL TRIAL NO. 4 OF 1985]
3 APRIL 1985

CRIMINAL LAW AND PROCEDURE: *First charge - Causing hurt - Second charge - Causing grievous hurt - Whether there was provocation.*

The accused was charged for causing hurt and causing grevious hurt to the victim. The events leading to the attack were as follows:

The victim, who was a teacher of the accused, had earlier confiscated the video game which the accused was playing before the commencement of the class. During the class, a chair was pushed over and the victim then used some words which seemed to carry the suggestion that no boy was strong enough to challenge his authority. The accused seemed to be incensed by the words. At meal break, the accused obtained a knife and parang and attacked the victim, cutting and stabbing him. He suggested in his confession statement that this was done "unconsciously".

Held:
It is not sure what was meant by "unconsciously". On the evidence, the accused had made a deliberate attack and there was nothing preceding it that would amount, in law, to provocation. The accused was therefore guilty of both charges.

[Accused convicted.]

For the state - Dk. Zabaidah, DPP
For the accused - in person

JUDGMENT

Power J:

In this matter, the evidence is clear and has not really been contested. The victim was a teacher at the Anthony Abel College and the accused was a student. On 27 November 1984, the victim confiscated a video game, which the defendant was playing, before the commencement of the afternoon session. His action was, perhaps, a little harsh as it does not seem that class had commenced at the time when he did this.

There was then an incident when a chair was pushed over during the class. The victim then used some words which seemed to carry the suggestion that no boy was strong enough to challenge his authority. The words do not seem to me to have been really appropriate and were mildly, but certainly, no more than that, provocative. Some of the boys appear to have been angered by the words and the accused was, it seems, incensed by them. His anger seems to me to have been out of all proportion to the slight offered.

At meal break, he obtained a knife and parang and returned and attacked the victim, cutting and stabbing him. He suggests, in his confession statement, that this was done "unconsciously".

I am not sure what was meant by the use of that word. I am satisfied, on the evidence, that he made a deliberate attack on the victim and that there was nothing preceding it that would amount, in law, to provocation.

I am satisfied that he caused grievous hurt with the knife and hurt with the parang.

I convict the accused of causing hurt on the first charge and causing grievous hurt on the second charge.

SENTENCE

Mohd. Ali bin Kipli, you committed a deliberate and vicious attack on a teacher - you could easily have been facing a charge of murder - indeed, the second offence, of which you have been found guilty, carries a maximum penalty of 15 years. If you were an adult, you would be facing a long term of imprisonment - only your youth saves you from that.

I am, however, satisfied that the offence must be punished with imprisonment. It must be made plain that such conduct will not be tolerated.

You are sentenced to imprisonment for 3 months on the first charge and 9 months on the second charge. The sentences are to run concurrently.

Also found at [1985] 1 CLJ 404